

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
UNITED STATES OF AMERICA,

-against-

WARREN BRYANT,

Defendant.

ANALISA TORRES, District Judge:

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DATE FILED: 3/16/2020

19 Cr. 6-2 (AT)

**ORDER**

Due to the ongoing public health crisis, the Court adjourned *sine die* the sentencing of Defendant Warren Bryant scheduled for March 16, 2020. ECF No. 120. Defendant requests that he be sentenced via telephone conference. ECF No. 121.

The Court recognizes that pursuant to Federal Rule of Criminal Procedure 32(b)(1), “[t]he court must impose sentence without unnecessary delay.” Federal Rule of Criminal Procedure 43(a)(3), however, provides that a defendant must be present at sentencing. Defendant’s right to be present requires physical presence. *See United States v. Salim*, 690 F.3d 115, 122 (2d Cir. 2012) (assuming but not deciding defendant’s right to be present requires physical presence and noting that every federal appellate court to have considered the question has held that a defendant’s right to be present requires physical presence).

Accordingly, the request that Defendant be sentenced via telephone conference is DENIED. The Court shall reschedule Defendant’s sentencing at the earliest opportunity. The Clerk of Court is directed to terminate the motion at ECF No. 121.

SO ORDERED.

Dated: March 16, 2020  
New York, New York



ANALISA TORRES  
United States District Judge